

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

VERONICA SASENBURY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-cv-00151-MJR-CJP
)	
BARNES-JEWISH HOSPITAL, d/b/a)	St. Clair Co., IL Case No. 10-L-6
CHILDREN’S HOSPITAL,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, BARNES-JEWISH HOSPITAL, by and through its undersigned counsel, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby notifies this Court that it is removing the above-captioned action currently pending in the Circuit Court for the St. Clair County, Illinois, to the United States District Court for the Southern District of Illinois. In support of this Notice of Removal, Defendant states as follows:

1. Plaintiff Veronica Sassenbury filed her Complaint against Defendant Barnes-Jewish Hospital, d/b/a Children’s Hospital (herein “BJH”), in the Circuit Court for St. Clair County, Illinois on or about January 8, 2010 (the “State Court Lawsuit”). Defendant BJH was served with Plaintiff’s Complaint on January 26, 2010. Thus, this Notice of Removal is filed with this Court within thirty (30) days of the receipt of Plaintiff’s Complaint as required by 28 U.S.C. § 1446(b).
2. Clear and legible copies of all documents filed or served in the case are attached as follows: Plaintiff’s Complaint and Summons as Exhibit 1.
3. The basis for removal to Federal Court is diversity jurisdiction pursuant to 28 U.S.C. § 1332, because: (1) there is complete diversity of citizenship between Plaintiff

and Barnes and (2) the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs.

4. In accordance with 28 U.S.C. § 1446(d), Defendant has contemporaneously filed a copy of this Notice of Removal (without exhibits) with the Clerk of the Circuit Court for St. Clair County, Illinois.

5. In accordance with 28 U.S.C. § 1446(d), Defendant has also given written notice to Plaintiff by contemporaneously serving this Notice of Removal on Plaintiff's counsel.

6. As required by 28 U.S.C. § 1441, Defendant seeks to remove this case to the United States District Court for the Southern District of Illinois, which is the District Court embracing the place where the State Court Lawsuit has been filed.

7. On information and belief, as Plaintiff alleges in her Complaint, she is a citizen and resident of the State of Illinois. BJH is a Missouri not-for-profit public benefit corporation with its principal place of business in St. Louis, Missouri. See Barnes-Jewish Hospital's Annual Registration Report filed with the Missouri Secretary of State on August 31, 2009 (indicating the state of incorporation and/or the principal place of business as Missouri), attached hereto as Exhibit 2. Thus, BJH is a citizen of Missouri.

8. In her Complaint, Plaintiff alleges that she seeks damages in excess of \$50,000.00.

9. Plaintiff's Complaint alleges injuries in the form of additional surgeries, disfigurement, disability, past and future medical bills, along with past and future pain and suffering.

10. It is therefore apparent that the damages claimed by the Plaintiff, if proven, will “more likely than not” exceed \$75,000.00, exclusive of interest and costs.

11. In sum, because (1) there is complete diversity of citizenship of States between Plaintiff and Barnes-Jewish Hospital, and (2) Plaintiff is seeking damages in excess of the \$75,000.00 jurisdictional threshold (exclusive of interest and costs), Defendant may remove this action pursuant to 28 U.S.C. §§ 1332 and 1441(b). This action is one over which the United States District Courts have original jurisdiction by reason of the diversity of citizenship of the parties. Furthermore, this Notice of Removal is timely as it is being filed within thirty (30) days after Barnes-Jewish Hospital was served with Plaintiff’s Complaint.

WHEREFORE, Barnes-Jewish Hospital respectfully requests that the above-captioned action now pending in the Circuit Court of St. Clair County, State of Illinois, be removed to the United States District Court for the Southern District of Illinois, and that said District Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted,

HEPLERBROOM LLC

By: /s/ Dawne K. Zupanci

Theodore J. MacDonald, Jr., #03125246

tjm@heplerbroom.com

Dawne K. Zupanci, #06278787

dkz@heplerbroom.com

103 West Vandalia, Suite 300

Edwardsville, Illinois 62025

618-656-0184 telephone

618-656-1364 facsimile

ATTORNEYS FOR DEFENDANTS

PROOF OF SERVICE

The undersigned certifies that a complete copy of this instrument was electronically filed on this 24th day of February, 2010 with the Clerk of the Court using the CM/ECF system, and was also served upon:

Attorneys for Plaintiff:

James R. Williams
Williams, Caponi, Foley & Eckert, P.C.
30 East Main Street
Belleville, Illinois 62220

by first class mail, postage prepaid, and by depositing in a U.S. Post Office mail box, this 24th day of February, 2010.

HEPLERBROOM LLC

By: /s/ Dawne K. Zupanci

Theodore J. MacDonald, Jr., #03125246

tjm@heplerbroom.com

Dawne K. Zupanci, #06278787

dkz@heplerbroom.com

103 West Vandalia, Suite 300

Edwardsville, Illinois 62025

618-656-0184 telephone

618-656-1364 facsimile

ATTORNEYS FOR DEFENDANTS